

## **Remarks**

Claims 1, 3-8, 10-15, 17-21, and 23-32 currently stand rejected and remain pending. No claims are amended herein. The Applicant respectfully traverses the rejections and requests allowance of claims 1, 3-8, 10-15, 17-21, and 23-32.

### **Claim Rejections under 35 U.S.C. § 103**

Claims 1, 3, 5, and 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,325,419 to Connolly et al. (hereinafter “Connolly”) in view of U.S. Patent Application No. 2002/0006811 to Diebolt et al. (hereinafter “Diebolt”). (Page 4 of the Office action.) Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 5,499,290 to Koster (hereinafter “Koster”). (Page 8 of the Office action.) Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 5,511,111 to Serbetcioglu et al. (hereinafter “Serbetcioglu”). (Page 8 of the Office action.) Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,590,965 to Poole et al. (hereinafter “Poole”). (Page 9 of the Office action.) Also, claims 8, 10, 12, 15, 17, 19, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,563,788 to Torba et al. (hereinafter “Torba”). (Page 10 of the Office action.) Claims 11 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt, and Torba in view of Koster. (Page 16 of the Office action.) Claims 13 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt, and Torba in view of Serbetcioglu. (Page 17 of the Office action.) Claims 14 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt, and Torba in view of Poole. (Page 18 of the Office action.) Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,643,506 to Criss et al. (Page 19 of the Office action.) Finally, claims 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,061,570 to Janow. (Page 21 of the Office action.) The Applicant respectfully traverses the rejections in view of the following discussion.

### *Preliminary Notes Regarding the Office Action*

The Applicant respectfully notes that while the Response to Arguments section at pages 2-4 of the Office action addresses some of the arguments in the response of March 7, 2007, many of the rejections at pages 4-23 of the Office action do not reflect the information in the Response to Arguments. For example, while the Response to Arguments reflects the understanding that the first device of claims 1, 8, and 15 does not itself route a call, but instead sends a process message to a service control point to indicate a second device to receive an incoming call, the rejection of claims 8 and 15 still indicate that “Connolly fails to clearly disclose wherein the said first device re-routes the incoming message to a second device.” (See pages 11 and 14 of the Office action.) As a result, the Applicant assumes that the revised arguments presented for claim 1 in the Office action are also applicable to claims 8 and 15.

Also, while parts of the Office action indicate that Diebolt is employed to show the response message of independent claims 1, 8, 15, 24, 27, and 30 (for example, the first paragraph of page 6 of the Office action), other portions indicate that the process command of Diebolt is utilized to anticipate the alert message of the independent claims (for example, the second paragraph of page 6). For purposes of this response, the Applicant assumes that Diebolt is being employed in the rejections to anticipate the response message set forth in the independent claims.

Further, some portions of the Office action refer to a specific message associated with Fig. 11 of Connolly, while also reciting portions of the Connolly specification that do not appear to address those particular messages. In such circumstances, the Applicant has presented arguments in view of the particular message cited in the Office action.

### *Claims 1, 8, and 15*

Independent claim 1 for a method of operating a service control point is duplicated below for convenience:

1. A method of operating a service control point, the method comprising:
  - receiving a call set-up message into the service control point for an incoming call;
  - processing the call set-up message to identify a first device where the first device is a wireless device;
  - generating an alert message indicating the incoming call and caller information from the call set-up message;

transmitting the alert message from the service control point to the first device;  
receiving a response message into the service control point from the first device  
wherein the response message indicates a second device to receive the incoming call;  
processing the response message to generate a routing instruction that connects  
the incoming call to the second device; and  
transmitting the routing instruction from the service control point.

Independent software product claim 8 and independent communication system claim 15 provide similar limitations.

With respect to claim 1, the Office action employs Fig. 11 and the associated passages of Connolly in the rejection of that claim. (Pages 4 and 5 of the Office action.) The Applicant respectfully notes that while the Office action identifies the portable handset terminal referenced in Fig. 11 as the “calling party or originating device,” Connolly indicates that Fig. 11 illustrates “*an incoming call to an intelligent portable handset terminal in the wireless digital personal communications system...*” (Column 31, lines 5-7; emphasis supplied.) Thus, the portable handset terminal referenced in Fig. 11 is not the calling party or the originating device, but is instead the *called party*. Further, Connolly does not indicate that the calling party is a wireless device, such as a portable handset terminal. Thus, the Applicant contends that the calling party of Connolly does not teach or suggest the first device of claim 1, and such indication is respectfully requested.

Also, the Office action identifies each of the “AIN Information Analyzed” message (event F2 of Fig. 11) and the “AIN Route Analyzed” message (event F4 of Fig. 11) of Connolly as two separate messages or instructions set forth in claim 1. (Pages 4 and 5 of the Office action.) More specifically, the Office action indicates that the AIN Information Analyzed message anticipates both the call set-up message and the response message of claim 1. (*Id.*) Likewise, the Office action associates the AIN Route Analyzed message with the alert message and the routing instruction of claim 1. (Page 5 of the Office action.) However, the AIN Information Analyzed message and the AIN Route Analyzed message each occur *only once* in the flowchart of Fig. 11. Thus, the Applicant respectfully contends that the AIN Information Analyzed message cannot be both the call set-up message and the response message of claim 1, and that the AIN Route Analyzed message cannot be both the alert message and the routing instruction of claim 1, as each of these messages involves a separate recited operation in claim 1. Such indication is respectfully requested.

Further, the Office action indicates that the AIN Route Analyzed message includes call and caller information from the call set-up message, thus representing the call set-up message of claim 1. (Page 5 of the Office action.) The Applicant respectfully disagrees. Claim 1 indicates that the alert message includes *incoming call and caller information*, while the AIN Route Analyzed message of Connolly includes information about the *called party*, such as the Called Party ID and Subaddress ID. (See column 31, line 68, to column 32, line 8, of Connolly.) Thus, the Applicant respectfully asserts that the AIN Route Analyzed message does not teach or suggest the alert message of claim 1.

Further, the Office action indicates that the AIN Route Analyzed message is transmitted to the calling party. (Page 5 of the Office action.) The Applicant respectfully disagrees in two ways. For one, the AIN Route Analyzed message is transmitted to the *originating PCS switching center* (originating PSC), not to the calling party of Connolly. (See Fig. 11, and column 31, line 68, to column 32, line 2.) Connolly only shows that the service control point in Fig. 11 trades messages with either the originating PSC or a second PSC (i.e., PSC 2), and does send messages to or receive messages from a wireless device, such as the first device of claim 1. Connolly also does not indicate that these messages are ultimately forwarded to a wireless device. Moreover, even if the calling party received the AIN Route Analyzed message by way of the originating PSC, such message does not teach or suggest the alert message of claim 1, wherein the first device is a wireless device, since Connolly does not indicate that either the originating PSC or the calling party is a wireless device. (See Fig. 1 of Connolly.)

Similarly, the Office action indicates that the AIN Information Analyzed message from the originating PSC to the service control point anticipates the response message of claim 1, which is received into the service control point from the first device. (Page 5 of the Office action.) The Applicant respectfully disagrees, as the originating PSC is not a first (wireless) device, as indicated above.

Further as to claim 1, the Office action also indicates that “Connolly fails to clearly disclose wherein the said first device sends a response message indicating a second device *to receive an incoming call*. ... Diebolt et al. teaches in paragraphs[s] [0017 – 0019] wherein the calling party is able to send a process command, which reads on claimed ‘alert message,’ that *redirects the incoming call* to either a fax machine or printer...” (Page 6 of the Office action; emphasis supplied.) The Office action further indicates that “Diebolt et al. is used essentially to

*direct a call, email or fax to another device* (second device) within the network.” (Pages 3 and 4 of the Office action; emphasis supplied.)

The Applicant respectfully disagrees with this characterization of Diebolt. Generally, the Diebolt process command is transferred from a wireless telecommunications device by way of a private branch exchange (PBX) *to a nearby terminal*, such as a printer, fax machine, or computer-driven monitor of a *data network*. (Paragraphs [0015] and [0017].) In the examples discussed in Diebolt, the process command may be “a print or a view command of *some message* (email, fax) respectively on a printer or a monitor connected to the data network 5.” (Paragraph [0017]; emphasis supplied.) Thus, Diebolt does not indicate that these messages are in response to *an incoming call* directed to the wireless communication device, as provided for in claims 24, 27 and 30. Instead, these messages (such as e-mail or fax) are apparently *already stored* on the data network, to be accessed by the wireless communication device at a later time. In other words, these e-mail or fax messages have already been received, and the process command allows the user access to access them after the fact. For example, a process command may be directed to a printer, which executes the command to provide “a print of the *selected data*.” (Paragraph [0019]; emphasis supplied.)

Specifically in the case of e-mails and faxes, Diebolt indicates that the data has already been received into data network 5, and the process command merely indicates whether the data is to be viewed on a monitor, printed on a printer, or the like. (See paragraphs [0017]-[0019].) Diebolt specifically states that the “process command will contain only the information of which command must be performed *on which data ....*” (Paragraph [0017]; emphasis supplied.) Thus, the process commands related to e-mail and faxes are not response messages indicating a second device to receive an incoming call, as provided for in claim 1.

In one scenario, Diebolt discusses *transferring* a call from the wireless device to the fixed telephone, such as by way of a “hand over.” (Paragraph [0021].) In other words, the call has already been completed to the wireless device, and is then transferred to the fixed telephone. Thus, again, Diebolt does not teach or suggest generating a response message indicating the second device is to *receive the incoming call*, as provided for in claim 1, and such indication is respectfully requested.

The Office action also asserts that it would have been obvious to modify Connolly to include Diebolt “in order to provide a system capable of identifying an incoming call and

redirecting the call to [an]other device for further processing.” (See, for example, page 6 of the Office action.) The Applicant respectfully disagrees, as the scope of Connolly and Diebolt are vastly different. While Connolly describes “[a] wireless digital personal communications system” (see abstract) having at least one SCP and multiple PSCs, Diebolt operates within a smaller system through a single private branch exchange (PBX) of a single enterprise (see the figure of Diebolt). A PBX, which is a *private switching system* through which calls are switched to a small number of phones, performs a different function from an SCP, which is essentially a *database* used to control communication switches. Further, the smaller system of Diebolt is coupled with a data network, such as a local area network (LAN), upon which Diebolt depends to execute the process commands described therein. Connolly, on the other hand, does not appear to contemplate such a data network. Thus, the Applicant contends that no motivation exists to combine Connolly and Diebolt, and such indication is respectfully requested.

Further, as the Office action employs the same reasoning described above in rejecting claims 8 and 15, the Applicant asserts that at least the same arguments provided above in support of claim 1 are applicable to claims 8 and 15.

Thus, based on the foregoing, the Applicant asserts that no combination of Connolly and Diebolt teaches or suggests the subject matter of claims 1, 8, and 15, and such indication is respectfully requested.

#### *Claims 24, 27 and 30*

Independent method claim 24 for operating a first (wireless) device is duplicated below for convenience:

24. A method of operating a first device where the first device is a wireless device, the method comprising:  
    receiving an alert message indicating an incoming call and caller information from a service control point into the first device;  
    processing the alert message;  
    determining the incoming call should be sent to a second device;  
    generating a response message indicating the second device is to receive the incoming call; and  
    transmitting the response message from the first device to the service control point.

Independent software product claim 27 and independent wireless communication device claim 30 incorporate similar provisions.

In rejecting claim 24, the Office action appears to indicate that the Page Response message (i.e., event F17 in Fig. 11) of Connolly anticipates either the receiving or processing of an alert message indicating an incoming call and caller information from a service control point into the first device, as Diebolt is employed in the Office action to show the determining, generating, and transmitting operations of claim 24. (See pages 6 and 7 of the Office action.) The Applicant respectfully disagrees, as the Page Response message containing the identity of the portable terminal is sent by that terminal to an intelligent base station (IBS) in response to being paged by way of a Page Request message from the IBS to the terminal. (Column 32, lines 48-59.) Thus, the Applicant respectfully contends that the portable terminal is *sending a message indicating its own identity*, not receiving or processing an alert message indicating an incoming call and caller information from a service control point, as provided for in claim 24.

Further, the Office action employs the process command of Diebolt as the response message of claim 24. (Page 7 of the Office action.) As described above with respect to claim 1, the Applicant respectfully contends that the Diebolt process command is not a response message indicating a second device is receive an incoming call, as provided for in claim 24.

Thus, for at least the reasons discussed above with respect to claim 1, the Applicant contends that no combination of Connolly and Diebolt teaches or suggests the subject matter of claim 24, and such indication is respectfully requested.

Further, as discussed in detail above regarding claim 1, the Application respectfully asserts that no motivation exists to combine Diebolt with Connolly to yield the subject matter of claim 24.

The Office action utilizes the same reasons applied to claim 24 to reject claims 27 and 30. (See pages 19 and 21 of the final Office action.) Thus, in view of the above, the Applicant contends that claims 27 and 20 are allowable for at least the reasons presented above in support of claim 24, and such indication is respectfully requested.

*Claims 3-7, 10-14, 17-21, 23, 25, 26, 28, 29, 31 and 32*

Claims 3-7 depend from independent claim 1, claims 10-14 depend from independent claim 8, claims 17-21 and 23 depend from independent claim 15, claims 25 and 26 depend from

independent claim 24, claims 28 and 29 depend from independent claim 27, and claims 31 and 32 depend from independent claim 30. Thus, each of these claims incorporates the subject matter of its associated independent claim, and thus is allowable for at least the reasons provided above in support of claims 1, 8, 15, 24, 27, and 30, and such indication is respectfully requested.

Thus, in light of the foregoing, the Applicant respectfully requests that the 35 U.S.C. § 103 rejections of claims 1, 3-8, 10-15, 17-21, and 23-32 be withdrawn.

#### Conclusion

Based on the above remarks, the Applicant submits that claims 1, 3-8, 10-15, 17-21, and 23-32 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant thus respectfully requests allowance of claims 1, 3-8, 10-15, 17-21, and 23-32.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

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/Kyle J. Way/

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